

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|----------------------------------|---|---------------------------|
| In the Application of:           | ) |                           |
|                                  | ) |                           |
| Marc D. Better, et al            | ) |                           |
|                                  | ) |                           |
| Serial No.: 10/816,276           | ) | <b>EFS -WEB</b>           |
|                                  | ) |                           |
| Filed: 03/31/2004                | ) |                           |
|                                  | ) | <b>Date: 24 July 2006</b> |
| For: Human Engineered Antibodies | ) |                           |
| to Ep-CAM                        | ) |                           |
|                                  | ) |                           |
| Examiner: Maher M. Haddad        | ) |                           |
|                                  | ) |                           |
| Group Art Unit: 1644             | ) |                           |
|                                  | ) |                           |
| Confirmation No. 1162            | ) |                           |
|                                  | ) |                           |

**RESPONSE TO OFFICE ACTION OF MARCH 30, 2006  
WITH RESTRICTION REQUIREMENT AND SPECIES ELECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed March 30, 2006, Applicants elect Group IV, claims 31-36. Group IV consisted of Claims 31-36, drawn to a method for treating a mammal suffering from an EP-CAM mediated disease, disorder or condition comprising administering the human engineered anti-Ep-CAM antibody.

This response is timely filed, as a Petition for a Three Month Extension of Time, with the required fee of \$510.00, is submitted herewith, making the response due on July 30, 2006.

Group I consisted of Claims 1 – 10, 12 and 28-30, drawn to a human engineered anti-EP-CAM antibody which binds specifically to human Ep-CAM, Kits.

Group II consisted of Claim 11, drawn to a method for determining the presence of Ep-CAM protein comprising exposing a sample suspected of containing the Ep-CAM protein to the human engineered anti-EP-CAM antibody and determining binding of the antibody to the sample.

Group III consisted of Claims 13-27, drawn to an isolated nucleic acid sequence encoding the Ep-CAM antibody, vectors, host cells, and a process of producing.

Group IV consisted of Claims 31-36, drawn to a method for treating a mammal suffering from an EP-CAM mediated disease, disorder or condition comprising administering the human engineered anti-EP-CAM antibody.

Group V consisted of Claims 37-38, drawn to a method determining the presence of a human antibody made by a subject in response to administration to the subject of the human engineered anti-EP-CAM antibody comprising exposing a sample suspected of containing the human antibody to the human engineered anti-EP-CAM antibody and determining the binding of the human antibody to the sample.

Applicants' election of Group IV claims 31-36 is hereby made without prejudice to Applicants' right to pursue the non-elected claims in one or more divisional applications.

The Office Action also requires that the Applicants elect a single disclosed species to which claims would be restricted if no generic claim is finally held to be allowable. Applicants elect with traverse the heavy chain variable region comprising the amino acid sequence of SEQ ID NO:21.


The Office Action also required that the Applicants list all (elected) claims readable on the elected species. Group IV claims 31 and 34 read upon a method for treating a mammal suffering from an Ep-CAM mediated disease, disorder or condition comprising administering a pharmaceutically effective amount of a human engineering anti-EP-CAM antibody comprising the elected species.

The Examiner is invited to telephone Applicants' representative if the Examiner

believes, for any reason, that personal communication would expedite the prosecution of this application.

Respectfully submitted,

Dated: 7/21/06

  
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